

1 MICHAEL A. FREIMANN, ESQ.
(pro hac vice forthcoming)
mfrieman@bhfs.com
2 TRAVIS F. CHANCE, ESQ., Nevada Bar No. 13800
tchance@bhfs.com
3 EMILY L. DYER, ESQ., Nevada Bar No. 14512
edyer@bhfs.com
4 BROWNSTEIN HYATT FARBER SCHRECK, LLP
5 100 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614
6 Telephone: 702.382.2101
Facsimile: 702.382.8135
7

8 *Attorneys for Defendants Wynn Resorts, Limited;*
Wynn Resorts Holdings, LLC; Wynn America Group,
LLC; Wynn Las Vegas Holdings, LLC; Wynn Las
9 *Vegas, LLC*

10

11

UNITED STATES DISTRICT COURT

12

DISTRICT OF NEVADA

13

ALEXANDER XAVIER JARAMILLO,

14

Plaintiff,

15

v.
16 WYNN RESORTS, LIMITED; WYNN
RESORTS HOLDINGS, LLC; WYNN
17 AMERICA GROUP, LLC; WYNN LAS
VEGAS HOLDINGS, LLC; WYNN LAS
18 VEGAS, LLC; DOES I THROUGH X
INCLUSIVE, AND ROE BUSINESS
ENTITIES I THROUGH X INCLUSIVE,

19

Defendants.

20

CASE NO.: 2:20-cv-00301-GMN-BNW

**WYNN RESORTS, LIMITED, WYNN
RESORTS HOLDINGS, LLC, WYNN
AMERICA GROUP, LLC, WYNN LAS
VEGAS HOLDINGS, LLC, WYNN LAS
VEGAS, LLC'S PROPOSED DISCOVERY
PLAN**

**SUBMITTED IN COMPLIANCE WITH
LR-26-1(B)**

21

Defendants WYNN RESORTS, LIMITED, WYNN RESORTS HOLDINGS, LLC,
22 WYNN AMERICA GROUP, LLC, WYNN LAS VEGAS HOLDINGS, LLC, and WYNN LAS
23 VEGAS, LLC (collectively referred to as "Wynn" or "Defendants"), by and through their
24 undersigned counsel of record Michael A. Freimann, Esq. (*pro hac vice forthcoming*), Travis F.
25 Chance, Esq., and Emily L. Dyer, Esq., of the law firm of Brownstein Hyatt Farber Schreck, LLP,
26 hereby files this discovery plan in compliance with Local Rule 26-1(b):

27

1. **Meet and Confer.**

28

On February 21, 2020, the parties held a telephonic conference wherein Defendants'

20444171

1 counsel informed Plaintiff that they intended to file a dispositive motion and requested that
2 Plaintiff stipulate to stay discovery pending resolution of Defendants' forthcoming dispositive
3 motion. Plaintiff, who was representing himself *pro se* at the time, informed Defendants' counsel
4 that he would consider the request and advise accordingly. Nelson Jaramillo, Esq., Plaintiff's
5 brother and an attorney in Texas, contacted Defendants' counsel on March 4, 2020 and advised
6 that he did not think Plaintiff would agree to stay discovery.

7 On March 6th and 12th, 2020, Defendants' counsel relayed the conversation to Plaintiff
8 and asked Plaintiff to confirm whether he would agree to stay discovery. Plaintiff never
9 confirmed whether he would agree to stay discovery. On March 23, 2020, counsel for
10 Defendants followed up with Nelson Jaramillo, Esq., who had since advised that he would be
11 assisting in Plaintiff's representation for this matter. Counsel for Defendants noted that March 23,
12 2020 was the last day for the parties to meet and confer pursuant to Federal Rule of Civil
13 Procedure ("FRCP") 26(f), reiterated Defendants' position as to a stay of discovery, and
14 requested that Mr. Jaramillo call them to discuss the same. Counsel for Defendants did not hear
15 from Mr. Jaramillo by 5:00 p.m. on March 23, 2020 and, therefore, submit their own proposed
16 discovery plan.

17 As a global point related to discovery, and as noted above, Defendants intend to file a
18 Motion for Summary Judgment (the "Motion") that is dispositive of all of Plaintiff's claims in
19 this case. The Motion is intended to be filed in the coming one to two weeks from the date of this
20 submission. In addition, Defendants intend to concurrently file a Motion to Stay Discovery,
21 seeking a stay of all discovery pending disposition of the Motion. Pursuant to FRCP 26(f) and
22 Local Rule 26-1(a), Defendants attempted to hold a telephonic conference on March 23, 2020, per
23 the above. Plaintiff's counsel did not respond to Defendants' request for a further meet and
24 confer conference.

25 **2. Pre-Discovery Disclosures.** Defendants' position is that discovery should be
26 stayed pending disposition of the Motion they intend to file in the coming weeks. Defendants also
27 intend to move to stay discovery concurrently with filing that Motion.

1 3. **Discovery Cut-Off Date.** Defendants' position is that discovery should be stayed
2 pending disposition of the Motion they intend to file in the coming weeks. Defendants also intend
3 to move to stay discovery concurrently with filing that Motion.

4 4. **Disclosure of Experts.** Defendants' position is that discovery should be stayed
5 pending disposition of the Motion they intend to file in the coming weeks. Defendants also intend
6 to move to stay discovery concurrently with filing that Motion.

7 a. **Expert Reports.** Defendants' position is that discovery should be stayed
8 pending disposition of the Motion they intend to file in the coming weeks. Defendants also intend
9 to move to stay discovery concurrently with filing that Motion.

10 b. **Rebuttal Expert Reports.** Defendants' position is that discovery should
11 be stayed pending disposition of the Motion they intend to file in the coming weeks. Defendants
12 also intend to move to stay discovery concurrently with filing that Motion.

13 5. **Other Items.**

14 a. **Amending Pleadings and Adding Parties.** Defendants' position is that
15 discovery should be stayed pending disposition of the Motion they intend to file in the coming
16 weeks. Defendants also intend to move to stay discovery concurrently with filing that Motion.

17 b. **Interim Status Report.** Defendants' position is that discovery should be
18 stayed pending disposition of the Motion they intend to file in the coming weeks. Defendants also
19 intend to move to stay discovery concurrently with filing that Motion.

20 c. **Pretrial Order.** Defendants' position is that discovery should be stayed
21 pending disposition of the Motion they intend to file in the coming weeks. Defendants also intend
22 to move to stay discovery concurrently with filing that Motion.

23 d. **Extensions or Modification of the Discovery Plan and Scheduling
24 Order.** Local Rule 26-4 governs modifications or extensions of this discovery plan and
25 scheduling order. Any stipulation or motion must be made not later than 21 days before the
26 discovery cut-off date and must comply fully with Local Rule 26-4.

27 e. **Alternative Dispute Resolution.** Because Plaintiff failed to participate in
28 a further meet and confer conference, the parties did not meet and confer about the possibility of
20444171

1 using alternative dispute-resolution processes. Defendants do not consent to such alternative
2 forms of case disposition at this time, given their intent to file the dispositive Motion.

3 **f. Alternative Forms of Case Disposition.** Because Plaintiff failed to
4 participate in a meet and confer conference, the parties did not meet and confer about the
5 possibility of using alternative forms of case disposition, namely a trial by a magistrate judge
6 under 28 U.S.C. § 636(c) and FRCP 73 and the use of the Short Trial Program (General Order
7 2013-01). Defendants do not consent to such alternative forms of case disposition at this time,
8 given their intent to file the dispositive Motion.

9 **g. Electronic Evidence.** Because Plaintiff failed to participate in a meet and
10 confer conference, the parties did not meet and confer about whether to produce electronic
11 evidence in accordance with an electronically stored information (“ESI”) protocol. At this time,
12 Defendants do not anticipate any need for an ESI protocol, given their intent to file the dispositive
13 Motion. Should that Motion be denied, Defendants will revisit whether an ESI protocol is
14 appropriate for this case.

15 **h. Stipulated Protective Order.** Because Plaintiff failed to participate in a
16 meet and confer conference, the parties did not meet and confer about whether to execute a
17 Stipulated Protective Order (“SPO”) to govern the disclosure and production of their respective
18 ESI and documents. At this time, Defendants do not anticipate any need for a SPO, given their
19 intent to file the dispositive Motion. Should that Motion be denied, Defendants will revisit
20 whether a SPO is appropriate for this case.

21 DATED this 23rd day of March, 2020.

22 BROWNSTEIN HYATT FARBER SCHRECK, LLP

23 BY: /s/ Travis F. Chance
24 MICHAEL A. FREIMANN, ESQ.
25 (pro hac vice forthcoming)
TRAVIS F. CHANCE, ESQ., Nevada Bar No. 13800
EMILY L. DYER, ESQ., Nevada Bar No. 14512

26 Attorneys for Defendants Wynn Resorts, Limited; Wynn
27 Resorts Holdings, LLC; Wynn America Group, LLC; Wynn
Las Vegas Holdings, LLC; Wynn Las Vegas, LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of March, 2020, I served a copy of the foregoing **WYNN RESORTS, LIMITED, WYNN RESORTS HOLDINGS, LLC, WYNN AMERICA GROUP, LLC, WYNN LAS VEGAS HOLDINGS, LLC, WYNN LAS VEGAS, LLC'S PROPOSED DISCOVERY PLAN** by mailing a true and correct copy thereof, postage prepaid, and via electronic mail addressed to:

NELSON V. JARAMILLO, ESQ.
(pro hac vice forthcoming)
admin@jaramillolawoffice.com
JARAMILLO LAW FIRM
1105 Yale Street
Houston, TX 77008

Attorneys for Plaintiff Alexander X. Jaramillo

/s/ *Paula Kay*

An employee of Brownstein Hyatt Farber Schreck,
LLP

IT IS ORDERED that Plaintiff must respond to ECF No. 8, Defendants' proposed discovery plan and scheduling order, and address whether he agrees to a stay of discovery by April 6, 2020.

IT IS SO ORDERED

DATED: March 25, 2020

**BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE**